

Debbie Beadle

From: Reid Brockway <waterat@comcast.net>
Sent: Wednesday, October 17, 2012 9:29 PM
To: ECA
Cc: Kathy Richardson
Subject: Testimony to 10/18 PC meeting
Attachments: Testimony to 10-18-12 PC mtg.docx

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Please accept and distribute the attached doc file as testimony to the 10/18/12 Planning Commission meeting.

EXHIBIT NO. 231

Testimony to 10/18/2012 Planning Commission meeting
From: Reid Brockway
Subject: The four amendments related to streams

The following is a brief but important comment on my three proposed amendments, 2-10, 2-11, and 2-12, whose fate the Commission may be deciding tonight, and new amendment 2-14c. I appeal to you to read this and take it into consideration this evening, as I will have no opportunity to address you until after your discussion. However if you want to ask me questions during your discussion I would be most happy to respond.

The bottom line is that apparently the city's new amendment 2-14c is intended to replace my three, but at this point *there is insufficient information about 2-14c to know whether it will address the inequities mine seek to eliminate*. Thus it would be premature for the Commission to reject my amendments on the assumption 2-14c is a satisfactory replacement.

From some recent communication between myself and Evan Maxim, however, it would appear that 2-14c may not address some significant problems, including:

- a) the failure of our stream buffer code to take into account topography when determining range of influence, or
- b) prohibiting the expansion of the footprint of a house in cases where there would be no impact on a watercourse or associated habitat.

If 2-14c will not solve these problems, *buffer delineation should still be considered*, as it will address these and other problems in our current code¹.

Some significant insight as to the city's intentions beyond what is in the new evaluation form can be found in the "Information Memorandum" from Evan to the PC dated Oct. 12, 2012 (in the Oct. 18 PC packet). Under Item 2-14c are identified two areas of concern this amendment is to address. The second of these is most revealing. It states:

B) increasing some allowances for the expansion of uses associated with existing development, where such expansion will result in an overall improved wetland or stream buffer function and value

In cases where the "expanded use" has no or negligible effect on a watercourse, this insistence on "improved buffer function" is tantamount to holding property rights hostage in the interest of making environmental gains. The Commission should not endorse such a policy.

I would be happy to provide specific examples of how this is problematic.

The Commission should not settle for a compromise "solution" to the stream-related problems that leaves significant inequities in our code. Please consider the merits of all four subject amendments tonight, and please refer to my mark-ups of the evaluation forms for 2-10, 2-11 and 2-12 in doing so.

Thank you for considering this input.

¹ See handout "Overview of restrictions associated with streams" provide to the 9/20 PC meeting.